

Forty-ninth Legislature
First Regular Session

COMMITTEE ON BANKING AND INSURANCE

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2144

(Reference to printed bill)

1 Page 2, lines 31 and 34, after "REPORT" insert ", WORKPAPERS"
2 Strike lines 35 through 45
3 Page 3, strike lines 1 through 29, insert "SUBJECT TO PUBLIC RECORDS REQUESTS,
4 SHALL NOT BE SUBJECT TO SUBPOENA AND SHALL NOT BE SUBJECT TO DISCOVERY OR
5 ADMISSIBLE IN EVIDENCE IN ANY PRIVATE CIVIL ACTION.

6 B. THIS SECTION AND SECTION 20-697 SHALL NOT BE CONSTRUED TO LIMIT THE
7 DIRECTOR'S AUTHORITY TO RELEASE THE DOCUMENTS TO THE ACTUARIAL BOARD FOR
8 COUNSELING AND DISCIPLINE SO LONG AS THE MATERIAL IS REQUIRED FOR THE PURPOSE
9 OF PROFESSIONAL DISCIPLINARY PROCEEDINGS AND THAT THE ACTUARIAL BOARD FOR
10 COUNSELING AND DISCIPLINE ESTABLISHES PROCEDURES SATISFACTORY TO THE DIRECTOR
11 FOR PRESERVING THE CONFIDENTIALITY OF THE DOCUMENTS, NOR SHALL THIS SECTION
12 BE CONSTRUED TO LIMIT THE DIRECTOR'S AUTHORITY TO USE THE DOCUMENTS,
13 MATERIALS OR OTHER INFORMATION IN FURTHERANCE OF ANY REGULATORY OR LEGAL
14 ACTION BROUGHT AS PART OF THE DIRECTOR'S OFFICIAL DUTIES.

15 C. NEITHER THE DIRECTOR NOR ANY PERSON WHO RECEIVES DOCUMENTS,
16 MATERIALS OR OTHER INFORMATION WHILE ACTING UNDER THE AUTHORITY OF THE
17 DIRECTOR SHALL BE PERMITTED OR REQUIRED TO TESTIFY IN ANY PRIVATE CIVIL
18 ACTION CONCERNING ANY CONFIDENTIAL DOCUMENTS, MATERIALS OR INFORMATION
19 SUBJECT TO SUBSECTION A OF THIS SECTION.

20 D. THE DIRECTOR MAY:

21 1. SHARE DOCUMENTS, MATERIALS OR OTHER INFORMATION, INCLUDING THE
22 CONFIDENTIAL AND PRIVILEGED DOCUMENTS, MATERIALS OR INFORMATION SUBJECT TO
23 SUBSECTION A OF THIS SECTION WITH OTHER STATE, FEDERAL AND INTERNATIONAL
24 REGULATORY AGENCIES, WITH THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS
25 AND ITS AFFILIATES AND SUBSIDIARIES AND WITH STATE, FEDERAL AND INTERNATIONAL
26 LAW ENFORCEMENT AUTHORITIES, PROVIDED THAT THE RECIPIENT AGREES TO MAINTAIN
27 THE CONFIDENTIALITY AND PRIVILEGED STATUS OF THE DOCUMENT, MATERIAL OR OTHER
28 INFORMATION AND HAS THE LEGAL AUTHORITY TO MAINTAIN CONFIDENTIALITY.

1 2. RECEIVE DOCUMENTS, MATERIALS OR INFORMATION, INCLUDING OTHERWISE
2 CONFIDENTIAL AND PRIVILEGED DOCUMENTS, MATERIALS OR INFORMATION, FROM THE
3 NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND ITS AFFILIATES AND
4 SUBSIDIARIES, AND FROM REGULATORY AND LAW ENFORCEMENT OFFICIALS OF OTHER
5 FOREIGN OR DOMESTIC JURISDICTIONS, AND SHALL MAINTAIN AS CONFIDENTIAL OR
6 PRIVILEGED ANY DOCUMENT, MATERIAL OR INFORMATION RECEIVED WITH NOTICE OR THE
7 UNDERSTANDING THAT IT IS CONFIDENTIAL OR PRIVILEGED UNDER THE LAWS OF THE
8 JURISDICTION THAT IS THE SOURCE OF THE DOCUMENT, MATERIAL OR INFORMATION.

9 3. ENTER INTO AGREEMENTS GOVERNING THE SHARING AND USE OF INFORMATION
10 CONSISTENT WITH SUBSECTIONS A THROUGH D OF THIS SECTION.

11 E. NO WAIVER OF ANY APPLICABLE PRIVILEGE OR CLAIM OF CONFIDENTIALITY
12 IN THE DOCUMENTS, MATERIALS OR INFORMATION SHALL OCCUR AS A RESULT OF
13 DISCLOSURE TO THE DIRECTOR UNDER THIS SECTION OR AS A RESULT OF SHARING AS
14 AUTHORIZED IN SUBSECTION D OF THIS SECTION."

15 Amend title to conform

and, as so amended, it do pass

NANCY McLAIN
Chairman

2144-bi
2/2/09
H:jjb